IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Benjamin Eisendrath, et al.   Art Unit   : 2152
Serial No. : 10/656,874   Examiner : Brian P. Whipple
Filed   : September 8, 2003   Conf. No. : 8097
Title   : REGULATING CONCURRENT LOGINS ASSOCIATED WITH A SINGLE
             ACCOUNT

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<u>REPLY TO ACTION OF JANUARY 24, 2008</u>

Claims 1-66 are pending in this application, with claims 1, 30, and 57 being independent. No new matter has been introduced.

Applicants acknowledge with appreciation the Examiner's indication that claims 59-66 are directed to allowable subject matter.

Independent claims 1, 30 and 57, and their dependent claims 2, 8-10, 12-21, 36, 37 and 39-48, have been rejected as being unpatentable over Zhao (U.S. Patent No. 6,035,404) in view of Omshehe (U.S. Patent Application Publication No. 2002/0069172) and Acampora (U.S. Patent No. 5,497,504). Claims 3-7 and 31-35, which depend from claims 1 and 30, have been rejected as being unpatentable over Zhao in view of Omshehe, Acampora and Richmond (U.S. Patent No. 6,990,592). Claims 11 and 38, which depend from claims 1 and 30, respectively, have been rejected as being unpatentable over Zhao in view of Omshehe, Acampora and Sakakura (U.S. Patent Application Publication No. 2003/0046413). Claims 22, 23, 49 and 50, which depend from claims 1 and 30, have been rejected as being unpatentable over Zhao in view of Omshehe, Acampora and Franke (U.S. Patent Application Publication No. 2003/0195929). Claims 24 and 51, which depend from claims 1 and 30, respectively, have been rejected as being unpatentable over Zhao in view of Omshehe, Acampora, Franke and Banerjee (U.S. Patent Application Publication No. 2004/0122947). Claims 25-28 and 52-55, which depend from claims 1 and 30, have been rejected as being unpatentable over Zhao, Omshehe, Acampora, Franke, and Gatz (U.S. Patent Application Publication No. 2002/0049806). Claims 29 and 56, which depend from claims 1 and 30, respectively, have been rejected as being unpatentable over

Zhao, Omshehe, Acampora, Franke and Malik (U.S. Patent Application Publication No. 2004/0003084).

Each of claims 1, 30 and 57, as amended, recites, among other features, identifying a type of connection being sought by the user identity over the network <u>as being among at least one of a dial-up connection, a broadband connection, a wireless connection, and a private line connection,</u> determining types of connections used to obtain the network access by the other user identities that are identified as being associated with the user identity and determined to have network access, <u>the types of connections used by the other user identities being among at least one of a dial-up connection, a broadband connection, a wireless connection, and a private line connection;</u> and determining whether to grant the user identity the network access requested based on the type of connection being sought by the user identity and based on the types of connections used by the other user identities that are identified as being associated with the user identity and determined to have network access. Applicants request reconsideration and withdrawal of the rejections of the pending claims because neither Zhao, Omshehe, Acampora, Richmond, Sakakura, Franke, Banerjee, Gatz, Malik, nor any proper combination of the eight describes or suggests these features.

Zhao describes a system that regulates concurrent user access to a restricted computer service over a stateless network. As acknowledged by the Examiner on page 3 of the Final Office Action, Zhao fails to describe or suggest determining the type of connection requested by the user as being one of a <u>dial-up connection, a broadband connection, a wireless connection, and a private line connection,</u> determining the types of connections used by other users associated with the user as being one of a <u>dial-up connection, a broadband connection, a wireless connection, and a private line connection,</u> and then determining whether or not to grant the user identity access based on the identified type of connection sought and the determined types of connections of other associated user identities.

The Examiner refers to Omsheshe as disclosing these features, except for the specific types of connections being at least one of a <u>dial-up connection, a broadband connection, a wireless connection, and a private line connection.</u> Omsheshe describes a system that provides session-persistent concurrent licenses for resources accessed by clients. In Omsheshe, when a user accesses a license-restricted resource during a portal session, a determination is made

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whether or not the user's request requires that the user be allocated a user license to access the restricted resource. If a license has already been granted and assigned to the user's portal session, then the user is allowed access to the restricted resource. If a license has not already been granted to the user's portal session, then a determination is made whether a concurrent license is still available for that restricted resource (i.e., whether or not the maximum allowable concurrent licenses permitted for that restricted resource have already been granted). If a concurrent license is still available, the user's portal session is granted the license and the number of granted licenses for the restricted resource is incremented by one. The user is then able to access the restricted resource. If the maximum number of licenses has already been granted and, therefore, no concurrent license for that resource remains available, the user's request is denied and the user is unable to access the restricted resource. See Fig. 7, paragraphs 0050-0053.

As best understood, the Examiner seems to be characterizing a portal session having a concurrent license for a particular restricted resource and a portal session not having a concurrent license for the particular restricted resource as being two distinct types of connections – i.e., a licensed connection and an unlicensed connection. By characterizing the type of connections in this manner, the Examiner seems to be asserting that Omsheshe discloses determining whether to grant a user identity network access based on an identified type of connection sought by the user identity and based on the types of connections determined to be already in use by other associated user identities for network access. In particular, the Examiner seems to be asserting that this feature is satisfied by Omsheshe's disclosure that a determination of whether or not to grant a license to a requesting user to a restricted resource is based on the user seeking a license to the restricted resource (i.e., seeking a type of connection that is a licensed connection) and is based on the existing licenses to the restricted resource already provided to other users (i.e., based on the types of connections of the other associated users as being licensed connections).

If applicants have misunderstood the Examiner's interpretation of how Omsheshe discloses this feature, applicants respectfully request that the Examiner clarify his position. Applicants would be very grateful to receive such a clarification in an advisory action because applicants believe that a better understanding of the Examiner's position will significantly

expedite prosecution by enabling applicants to make an informed decision as to whether or not this application is a good candidate for appeal.

The Examiner acknowledges on page 5 of the Final Office Action that Zhao and Omsheshe fail to disclose that the type of connection being sought by the user identity is identified as being at least one of a dial-up connection, a broadband connection, a wireless connection, and a private line connection, and that the types of connections being used by the other user identities are determined to be at least one of a dial-up connection, a broadband connection, a wireless connection, and a private line connection. The Examiner refers to Acampora as remedying this deficiency. In particular, the Examiner asserts that Acampora describes a wireless connection.

As best understood, the Examiner seems to still be relying on Omsheshe for disclosing the limitation - determining whether to grant a user identity network access based on an identified type of connection sought by the user identity and based on the types of connections determined to be already in use by other associated user identities for network access. As described above, this interpretation of Omsheshe presumes connections of two types - a licensed connection and an unlicensed connection. The Examiner appears to be relying on Acampora to modify the connections of Omsheshe to be of the following two types – a licensed wireless connection and an unlicensed wireless connection.

Such a modification of Omsheshe based on the teachings of Acampora, however, still fails to satisfy the above-mentioned limitations of the pending claims. In particular, the claims require that the type of connection being sought by the user identity be identified to be at least one of a dial-up connection, a broadband connection, a wireless connection, and a private line connection and that the types of connections used to obtain the network access by the other associated user identities be determined to be at least one of a dial-up connection, a broadband connection, a wireless connection, and a private line connection. Notably, the claims further require that the determination of whether to grant the user identity the requested network access be based on: (1) the identified type of connection sought by the requesting user identity being at least one of a wireless connection, a broadband connection, a private line connection, and a dial-up connection; and (2) the determined types of connections used by other associated users being at least one of a wireless connection, a broadband connection, a private line connection, and a

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dial-up connection. The combined Omsheshe/Acampora system, however, fails to make a determination whether to grant or deny network access based on these factors. Rather, as described above, the determination of whether access to a restricted resource is granted by Omsheshe's system is made based on whether or not a requesting user already has a concurrent license and, if not, whether or not a concurrent license is still available for the restricted resource. Simply because the user submits the request via a wireless connection and the other users are connected via wireless connections, as apparently asserted by the Examiner through application of Acampora's teachings, does not change the fact that the mechanism described by Omsheshe, and relied upon by the Examiner, for determining whether to grant or deny access to a restricted resource is NOT based on whether or not the connections are wireless type connections, as required by the claims, but rather is based on entirely different factors – i.e., whether or not a concurrent license has already been granted and, if not, whether or not a concurrent license is available to be granted. Put another way, Omsheshe's mechanism for determining whether or not to grant access to a restricted resource operates entirely independently of whether or not the connection types of the requesting user or the other users are determined to be wireless, broadband, private line, or dial-up because the determination of whether or not these connection types are used plays no role in the decision of whether or not to grant access.
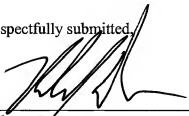
Acampora's mechanism for determining whether or not to grant a call request is similarly deficient. In particular, Acampora's cell cluster controller 29 does not determine whether or not to grant a call request based on whether or not the connection type sought by the requestor is identified as being wireless and based on whether or not the connection types of already connected users are determined to be wireless. Rather, Acampora's cell cluster controller 29 determines whether or not to grant a call request based on entirely different factors, namely the QOS data handling requirements of the requested connection and the already existing connections. Richmond, Sakakura, Franke, Banerjee, Gatz, and Malik, alone or in combination, do not remedy the deficiencies of Zhao, Omshehe, and Acampora to describe or suggest the above-mentioned features.

For at least this reason, applicants request reconsideration and withdrawal of the rejections of the pending claims.

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Applicants submit that all claims are in condition for allowance.

No fees are believed due in connection with this filing. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/24/08

Roberto J. Devoto
Reg. No. 55,108

Fish & Richardson P.C.
1425 K Street, N.W. - 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
/adt
40483514.doc